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Sunny P. Smith

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BINGHAM MCCUTCHEN LLP
2020 K Street, N.W.
Intellectual Property Department
WASHINGTON, DC 20006

EXAMINER

WILSON, ROBERT W

ART UNIT

PAPER NUMBER

2616

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/626,618

Applicant(s)

SMITH ET AL.

Examiner

Robert W. Wilson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-39 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Referring to claims 1-19, these claims are directed to a media interface module and a content addressable module. Applicant's specification Figures 2-4 and associated descriptive section in applicant specification describe the invention as software program. Claims 40-59 are evidence claims that applicant claims 1-19 are software program. Consequently, claims 1-19 fall under the category of a judicial exception. In order to be statutory a judicial exception must either perform a physical transformation or a practical application with a tangible result. Since all of the steps defined in the claims 1-19 are performed within the software modules these claims do not perform a practical application with a tangible result. Also claims 1-19 are not in a proper format. The proper format is a computer readable medium which stores instructions executable on a computer in which the instructions perform the following steps:

Referring to claims 20-39, these claims are directed to a audio content interface system. Applicant's specification Figures 2-4 and associated descriptive section in applicant specification are evidence that applicant cited invention is really a computer program. Claims 40-59 are further evidence that claims 20-39 are really directed toward a computer program. Consequently, claims 20-39 fall under the category of a judicial exception. In order to be statutory a judicial exception must either perform a physical transformation or a practical application with a tangible result. Since all of the steps defined in the claims 20-39 are performed within the software modules these claims do not perform a practical application with a tangible result. Also claims 20-39 are not in a proper format. The proper format is a computer readable medium which stores instructions executable on a computer in which the instructions perform the following steps:

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6, 10-11, 14-22, 30-31, 34-39 are rejected under 35 U.S.C. 102(E) as being anticipated by Bais (US Patent Pub. No.: US2003/0210682)

Referring to claim 1, Bais teaches: An audio content interface system for provisioning audio content stored on a data communication network to an end-user over a telecommunication network, the audio content interface system communicably connected to the data communication network and the telecommunication network (Figure 1) comprising:

a media deliver interface module operable to interface with the end-user over the telecommunication network, access a request for audio content from the end-user, access audio content over the data communication network and provide the audio content to the end-user over the telecommunication network (Gateway (6) (interface delivery interface module) receives a call (request) from a terminal (end-user) for access to content from the server (9) which inherently has both audio and video content over a data communication network (combination of 4 & 5 per Fig 1)

a content address translation module operable to provide an address mapping between an address of audio content stored on the data communication network and an address of the end-user on the telecommunication network (7 per Fig 1 (content address translation module maps the URL of the content in 7 which is connected the data communication network to the CLI of the terminal or end/user and sends over 3 per Fig 1 (telecommunication network)

In addition Bias teaches:

Regarding claim 2, wherein the audio content is provided to the end-user over a voice connection of the telecommunication network (The content is provided to terminal (1) which has a voice connection and receives video conferencing content which comprises audio voice data per Fig 1)

Regarding claim 3, wherein the media deliver interface module is further operable to perform the steps of:

receiving a telephone call from the end-user (6 per Fig 1 receives a call from the terminal (end user)

presenting a user interface to the end-user (Terminal is presented with request for CLI (user interface)

accepting a selection of audio content from the end-user (8 per Fig 1 accepts the end user and inherently allows for the selection of video content which inherently contains audio as well) providing the selected audio content to the end user. (7 per Fig 1 provides the selected audio content to the terminal or end user)

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Regarding claim 4, wherein the step of presenting a user interface to the end-user comprises the step of:

presenting a different user interface, audio content selection, and/or audio content to the end-user based on a telephone number dialed by the end user to place the telephone call (The terminal dials a telephone number associated with a gateway which would result in different content being selected based upon dialing different telephone numbers or gateways)

Regarding claim 5, wherein the step of providing the selected audio content to the end user comprises the step of:

requesting the selected audio content over the data communication network from a source of audio content using an indicator of the location of the audio content (The audio content selected has a URL or location indicator)

receiving over the data communication network the requested audio content (The request is received over the combination of 4 & 5 per Fig 1 or data communications network)

providing the requested audio content to the end-user over the telecommunication network. (Audio content is provided to the terminal or end user over 3 per Fig 1 (telecommunication network))

Regarding claim 6, wherein there are a plurality of end-users requesting the same audio content and the step of providing the selected audio content to the end-user comprises the step of providing the audio content to all end-user that requested the audio content (Terminal 1 per Fig 1 represents a plurality and all terminal requesting audio content will receive the audio content)

Regarding claim 10, wherein the media delivery interface module is further operable to perform the step of: controlling access (registration of CLI)

Regarding claim 11, wherein the step of controlling access and/or input to the media deliver interface module comprises at least one of:

Providing a password control to establish origination of connection (registration of CLI)

Regarding claim 14, wherein the media delivery interface module is further operable to perform the step of:

requesting selected audio content from a Web Server.

Regarding claim 15, wherein the step of the requesting the selected audio content from the Web server comprises the step of:

requesting the selected audio content from the Web server using a uniform resource locator (The combination of 9 & 7 per Fig 1 (server) are connected to Internet (5) per Fig 1)

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Regarding claim 16, wherein the data communication network is the Internet (The data communication network comprises 5 per Fig 1 which is the Internet)

Regarding claim 17, wherein the media delivery interface module is further operable to perform the step of:

Requesting the selected audio content from an audio content server (Audio data is requested from 7 per Fig 1 which is a server and provides audio content (audio content server)

Regarding claim 18, wherein the step of the requesting the selected audio content from the audio content server comprises the steps of:

requesting the selected audio content from the audio server using a uniform resource locator (The audio content on the server is defined by a URL)

Regarding claim 19, wherein the data communication network is the Internet (The combination of 9 & 7 per Fig 1 (server) are connected to Internet (5) per Fig 1)

Referring to claim 20, Bais teaches: In an audio content interface system for providing audio content stored on a data communications network to and end-user over a telecommunication network the audio content interface system communicatively connected to the data communication network and the telecommunication network, a method for providing audio content (Figure 1) comprising the step of:

accepting a request for audio content from the end-user (Gateway (7) (interface delivery interface module) accepts a call (request) from a terminal (end-user) for access to content from the server (9) which inherently has both audio and video content over a data communication network (combination of 4 & 5 per Fig 1)

Accessing the audio content over the data communication network (Audio content is stored in 7 per Fig 1 and the request for access is made over the combination of 7 & 5 per Fig 1 (data communication network)

Providing the audio content to the end-user over the telecommunication network (7 per Fig 1 provides the audio content to the terminal (end-user) over 3 per Fig 1 (telecommunication network); and

Providing an address mapping between the address of the audio content stored on the data communication network and an address of the end-user on the telecommunication network (7 per Fig 1 (content address translation module maps the URL of the content in 7 which is connected the data communication network to the CLI of the terminal or end/user and sends over 3 per Fig 1 (telecommunication network)

In addition Bias teaches:

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Regarding claim 21, wherein the audio content is provided to the end-user over a voice connection of the telecommunication network (The content is provided to terminal (1) which has a voice connection and receives video conferencing content which comprises audio voice data per Fig 1)

Regarding claim 22, wherein the media deliver interface module is further operable to perform the steps of:

receiving a telephone call from the end-user (6 per Fig 1 receives a call from the terminal (end user))

presenting a user interface to the end-user (Terminal is presented with request for CLI (user interface))

accepting a selection of audio content from the end-user (8 per Fig 1 accepts the end user and inherently allows for the selection of video content which inherently contains audio as well)

providing the selected audio content to the end user. (7 per Fig 1 provides the selected audio content to the terminal or end user)

Regarding claim 30, wherein the media delivery interface module is further operable to perform the step of: controlling access (registration of CLI)

Regarding claim 31, wherein the step of controlling access and/or input to the media deliver interface module comprises at least one of:

Providing a password control to establish origination of connection (registration of CLI)

Regarding claim 34, wherein the media delivery interface module is further operable to perform the step of:

requesting selected audio content from a Web Server.

Regarding claim 35, wherein the step of the requesting the selected audio content from the Web server comprises the step of:

requesting the selected audio content from the Web server using a uniform resource locator (The combination of 9 & 7 per Fig 1 (server) are connected to Internet (5) per Fig 1)

Regarding claim 36, wherein the data communication network is the Internet (The data communication network comprises 5 per Fig 1 which is the Internet)

Regarding claim 37, wherein the media delivery interface module is further operable to perform the step of:

Requesting the selected audio content from an audio content server (Audio data is requested from 7 per Fig 1 which is a server and provides audio content (audio content server))

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Regarding claim 38, wherein the step of the requesting the selected audio content from the audio content server comprises the steps of:

requesting the selected audio content from the audio server using a uniform resource locator (The audio content on the server is defined by a URL)

Regarding claim 39, wherein the data communication network is the Internet (The combination of 9 & 7 per Fig 1 (server) are connected to Internet (5) per Fig 1)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7-9, 23-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bais (U.S. Patent Publication No.: US2003/0210682) in view of Bates (US Patent No.: 6,732,142)

Referring to claim 7, Bais teaches: The system according to claim 6, and requesting audio content which is live via selecting a URL for all terminals or end users.

Bais does not expressly call for: providing the audio content to an end-user from a point in the audio content at which the end-user requested the audio content.

Bates: teaches: providing the audio content to an end-user from a point in the audio content at which the end-user requested the audio content (end user selects audio content start using a HTML tag in addition to the URL per Fig 5 and per col. 6 lines 44 to 67)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the providing the audio content to an end-user from a point in the audio content at which the end-user requested the audio content of Bates to the audio content selection of Bais in order to allow the end user or terminal select the portion of the audio which they wish to hear.

Referring to claim 8, Bais teaches: The system according to claim 6, and wherein the requested audio content is recorded audio content and the step of providing the audio content to all end-user that requested the audio content comprises the steps of :

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Bais does not expressly call for: providing the audio content to an end-user from a point in the audio content at which the end-user requested the audio content; and repeating providing the audio content from the start of the audio content.

Bates: teaches: providing the audio content to an end-user from a point in the audio content at which the end-user requested the audio content; and repeating providing the audio content from the start of the audio content (end user selects audio content start using a HTML tag in addition to the URL and selects time interval on which to repeat per Fig 5 and per col. 6 lines 44 to 67)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add providing the audio content to an end-user from a point in the audio content at which the end-user requested the audio content; and repeating providing the audio content from the start of the audio content so that if there was something critical that the end user wants to hear it can be repeated

Referring to claim 9, Bais teaches: the system of claim 6, and wherein the requested audio content is recorded audio content and the step of providing the audio content to all end-users that requested the audio content for all end users.

Bais does not expressly call for: providing the audio content from the start of the audio content

Bates: teaches: providing the audio content from the start of the audio content (end user selects audio content start using a HTML tag in addition to the URL or start per Fig 5 and per col. 6 lines 44 to 67)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the providing the audio content to an end-user from a point in the audio content at which the end-user wishes to start audio content of Bates to the audio content selection of Bais in order to allow the end user or terminal select the portion of the audio which they wish to hear.

Referring to claim 23, Bais teaches: the method of claim 22 and providing audio content to the end-user over the telecommunication network

Bais does not expressly call for: providing the audio content to an end-user from a point in the audio content at which the end-user requested the audio content.

Bates: teaches: providing the audio content to an end-user from a point in the audio content at which the end-user requested the audio content (end user selects audio content start using a HTML tag in addition to the URL per Fig 5 and per col. 6 lines 44 to 67)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the providing the audio content to an end-user from a point in the audio content at which the end-user requested the audio content of Bates to the audio content selection of Bais in order to allow the end user or terminal select the portion of the audio which they wish to hear.

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In addition Bais teaches:

Regarding claim 24, wherein the step of presenting a user interface to the end-user comprises the step of:

presenting a different user interface, audio content selection, and/or audio content to the end-user based on a telephone number dialed by the end user to place the telephone call (The terminal dials a telephone number associated with a gateway which would result in different content being selected based upon dialing different telephone numbers or gateways)

Regarding claim 25, wherein the step of providing the selected audio content to the end user comprises the step of:

requesting the selected audio content over the data communication network from a source of audio content using an indicator of the location of the audio content (The audio content selected has a URL or location indicator)

receiving over the data communication network the requested audio content (The request is received over the combination of 4 & 5 per Fig 1 or data communications network)

providing the requested audio content to the end-user over the telecommunication network. (Audio content is provided to the terminal or end user over 3 per Fig 1 (telecommunication network)

Regarding claim 26, wherein there are a plurality of end-users requesting the same audio content and the step of providing the selected audio content to the end-user comprises the step of providing the audio content to all end-user that requested the audio content (Terminal 1 per Fig 1 represents a plurality and all terminal requesting audio content will receive the audio content)

Referring to claim 27, the combination Bais & Bates teaches: The system according to claim 26, and requesting audio content which is live via selecting a URL for all terminals or end users.

Bais does not expressly call for: providing the audio content to an end-user from a point in the audio content at which the end-user requested the audio content.

Bates: teaches: providing the audio content to an end-user from a point in the audio content at which the end-user requested the audio content (end user selects audio content start using a HTML tag in addition to the URL per Fig 5 and per col. 6 lines 44 to 67)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the providing the audio content to an end-user from a point in the audio content at which the end-user requested the audio content of Bates to the audio content selection of Bais in order to allow the end user or terminal select the portion of the audio which they wish to hear.

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Referring to claim 28, The combination of Bais and &Bates teach: The system according to claim 26, and wherein the requested audio content is recorded audio content and the step of providing the audio content to all end-user that requested the audio content comprises the steps of:

Bais does not expressly call for: providing the audio content to an end-user from a point in the audio content at which the end-user requested the audio content; and repeating providing the audio content from the start of the audio content.

Bates: teaches: providing the audio content to an end-user from a point in the audio content at which the end-user requested the audio content; and repeating providing the audio content from the start of the audio content (end user selects audio content start using a HTML tag in addition to the URL and selects time interval on which to repeat per Fig 5 and per col. 6 lines 44 to 67)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add providing the audio content to an end-user from a point in the audio content at which the end-user requested the audio content; and repeating providing the audio content from the start of the audio content so that if there was something critical that the end user wants to hear it can be repeated

Referring to claim 29, the combination of Bais and Bates teaches: the system of claim 26, and wherein the requested audio content is recorded audio content and the step of providing the audio content to all end-users that requested the audio content for all end users.

Bais does not expressly call for: providing the audio content from the start of the audio content

Bates: teaches: providing the audio content from the start of the audio content (end user selects audio content start using a HTML tag in addition to the URL or start per Fig 5 and per col. 6 lines 44 to 67)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the providing the audio content to an end-user from a point in the audio content at which the end-user wishes to start audio content of Bates to the audio content selection of Bais in order to allow the end user or terminal select the portion of the audio which they wish to hear.

5. Claims 12-13 & 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Bais (U.S. Patent Publication No.: US2003/0210682) in view of Wachtfogel (US Patent Pub. No.: US2007/0067800)

Referring to claim 12, Bais teaches: the system of claim 11 and the media delivery interface module

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Bais does not expressly call for: providing advertising content to the end-user

Wachtfogel teaches: providing advertising content to the end-user (end user receives parameters associated with quality of material Para 96 to Para 104 per pg 7 (advertising content))

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the advertising content to the end-user of Wachtfogel to the system of Bais in order to build a system in which the end user knows what to expect in terms of the quality.

Referring to claim 13, the combination of Bias and Wachtfogel teach: the system of claim 12

Bais does not expressly call for: wherein the step of providing advertising content to the end-user comprises at least one of:

providing advertising content by class of service
providing advertising content based on selected audio content;
providing advertising content before and/or after providing selected audio content; and
providing advertising content based on a timed advertising interval

Wachtfogel teaches: providing advertising content by class of service (end user receives parameters associated with quality of material which relate to bit rate etc per Para 96 to Para 104 per pg 7 (class of service))

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the content by class of service of Wachtfogel to the system of Bais in order to build a system in which the end user knows what to expect in terms of the quality.

Referring to claim 32, Bais teaches: the method of claim 31 and the media delivery interface module

Bais does not expressly call for: providing advertising content to the end-user

Wachtfogel teaches: providing advertising content to the end-user (end user receives parameters associated with quality of material Para 96 to Para 104 per pg 7 (advertising content))

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the advertising content to the end-user of Wachtfogel to the system of Bais in order to build a system in which the end user knows what to expect in terms of the quality.

Referring to claim 33, the combination of Bias and Wachtfogel teach: the method of claim 32

Bais does not expressly call for: wherein the step of providing advertising content to the end-user comprises at least one of:

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providing advertising content by class of service
providing advertising content based on selected audio content;
providing advertising content before and/or after providing selected audio content; and
providing advertising content based on a timed advertising interval

Wachtfogel teaches: providing advertising content by class of service (end user receives parameters associated with quality of material which relate to bit rate etc per Para 96 to Para 104 per pg 7 (class of service))

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the content by class of service of Wachtfogel to the system of Bais in order to build a system in which the end user knows what to expect in terms of the quality.

6. Claims 40-46, 50-51, & 54-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bais (U.S. Patent Publication No.: US2003/0210682) in view of Ibanez (US Patent Pub. No.: US2003/0026230)

Referring to claim 40, Bais teaches: In an audio content interface system for providing audio content stored on a data communications network to and end-user over a telecommunication network the audio content interface system communicatively connected to the data communication network and the telecommunication network, a method for providing audio content (Figure 1) comprising the step of:

accepting a request for audio content from the end-user (Gateway (7) (interface delivery interface module) accepts a call (request) from a terminal (end-user) for access to content from the server (9) which inherently has both audio and video content over a data communication network (combination of 4 & 5 per Fig 1)

Accessing the audio content over the data communication network (Audio content is stored in 7 per Fig 1 and the request for access is made over the combination of 7 & 5 per Fig 1 (data communication network)

Providing the audio content to the end-user over the telecommunication network (7 per Fig 1 provides the audio content to the terminal (end-user) over 3 per Fig 1 (telecommunication network) ; and

Providing an address mapping between the address of the audio content stored on the data communication network and an address of the end-user on the telecommunication network (7 per Fig 1 (content address translation module maps the URL of the content in 7 which is connected the data communication network to the CLI of the terminal or end/user and sends over 3 per Fig 1 (telecommunication network)

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Bais does not expressly call for: a computer program product a processor and a computer readable medium

Ibanez teaches: a computer program product a processor and a computer readable medium (Fig 3)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add computer program product a processor and a computer readable medium of Ibanez to the steps of Bais because steps require a processor, program instructions, and memory in order to be performed.

In addition Bias teaches:

Regarding claim 41, wherein the audio content is provided to the end-user over a voice connection of the telecommunication network (The content is provided to terminal (1) which has a voice connection and receives video conferencing content which comprises audio voice data per Fig 1)

Regarding claim 42, wherein the step of presenting a user interface to the end-user comprises the step of:

Receiving a telephone call from the end user (Gateway receives a call from the terminal) presenting a different user interface, audio content selection, and/or audio content to the end-user based on a telephone number dialed by the end user to place the telephone call (The terminal dials a telephone number associated with a gateway which would result in different content being

Regarding claim 43, wherein the step of providing the selected audio content to the end user (The audio content is selected based on URL for the terminal or end user)

Regarding claim 44, wherein the step of presenting a user interface to the end-user comprises the step of:

presenting a different user interface, audio content selection, and/or audio content to the end-user based on a telephone number dialed by the end user to place the telephone call (The terminal dials a telephone number associated with a gateway which would result in different content being selected based upon dialing different telephone numbers or gateways)

Regarding claim 45, wherein the step of providing the selected audio content to the end user comprises the step of:

requesting the selected audio content over the data communication network from a source of audio content using an indicator of the location of the audio content (The audio content selected has a URL or location indicator)

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receiving over the data communication network the requested audio content (The request is received over the combination of 4 & 5 per Fig 1 or data communications network)

providing the requested audio content to the end-user over the telecommunication network. (Audio content is provided to the terminal or end user over 3 per Fig 1 (telecommunication network)

Regarding claim 46, wherein there are a plurality of end-users requesting the same audio content and the step of providing the selected audio content to the end-user comprises the step of providing the audio content to all end-user that requested the audio content (Terminal 1 per Fig 1 represents a plurality and all terminal requesting audio content will receive the audio content)

Regarding claim 50, w further operable to perform the step of: controlling access (registration of CLI)

Regarding claim 51, wherein the step of controlling access and/or input to the media deliver interface module comprises at least one of :

Providing a password control to establish origination of connection (registration of CLI)

Regarding claim 54, wherein the media delivery interface module is further operable to perform the step of:

requesting selected audio content from a Web Server.

Regarding claim 55, wherein the step of the requesting the selected audio content from the Web server comprises the step of:

requesting the selected audio content from the Web server using a uniform resource locator (The combination of 9 & 7 per Fig 1 (server) are connected to Internet (5) per Fig 1)

Regarding claim 56, wherein the data communication network is the Internet (The data communication network comprises 5 per Fig 1 which is the Internet)

Regarding claim 57, wherein the media delivery interface module is further operable to perform the step of:

Requesting the selected audio content from an audio content server (Audio data is requested from 7 per Fig 1 which is a server and provides audio content (audio content server)

Regarding claim 58, wherein the step of the requesting the selected audio content form the audio content server comprises the steps of:

requesting the selected audio content from the audio server using a uniform resource locator (The audio content on the server is defined by a URL)

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Regarding claim 59, wherein the data communication network is the Internet (The combination of 9 & 7 per Fig 1 (server) are connected to Internet (5) per Fig 1)

7. Claims 47- 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bais (U.S.

Patent Publication No.: US2003/0210682) in view of Ibanez (US Patent Pub. No.:

US2003/0026230) further in view of Bates (U.S. Patent No.: 6,732,142)

Referring to claim 47, the combination Bais & Ibanez teach: The computer program product of claim 46 and requesting audio content which is live via selecting a URL for all terminals or end users.

Bais & Ibanez does not expressly call for: providing the audio content to an end-user from a point in the audio content at which the end-user requested the audio content.

Bates: teaches: providing the audio content to an end-user from a point in the audio content at which the end-user requested the audio content (end user selects audio content start using a HTML tag in addition to the URL per Fig 5 and per col. 6 lines 44 to 67)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the providing the audio content to an end-user from a point in the audio content at which the end-user requested the audio content of Bates to the audio content selection of the combination Bais & Ibanez in order to allow the end user or terminal select the portion of the audio which they wish to hear.

Referring to claim 48, the combination Bais & Ibanez teach: The computer program product of claim 46 and wherein the requested audio content is recorded audio content and the step of providing the audio content to all end-user that requested the audio content comprises the steps of:

The combination Bais & Ibanez do not expressly call for: providing the audio content to an end-user from a point in the audio content at which the end-user requested the audio content; and repeating providing the audio content from the start of the audio content.

Bates: teaches: providing the audio content to an end-user from a point in the audio content at which the end-user requested the audio content; and repeating providing the audio content from the start of the audio content (end user selects audio content start using a HTML tag in addition to the URL and selects time interval on which to repeat per Fig 5 and per col. 6 lines 44 to 67)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add providing the audio content to an end-user of Bates to the URL of the combination of Ibanez and Bates so that if there was something critical that the end user wants to hear it can be repeated

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Referring to claim 49, the combination Bais & Ibanez teach: The computer program product of claim 46, and wherein the requested audio content is recorded audio content and the step of providing the audio content to all end-users that requested the audio content for all end users.

The Bais and Ibanez do not expressly call for: providing the audio content from the start of the audio content

Bates: teaches: providing the audio content from the start of the audio content
(end user selects audio content start using a HTML tag in addition to the URL or start per Fig 5 and per col. 6 lines 44 to 67)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the providing the audio content to an end-user from a point in the audio content at which the end-user wishes to start audio content of Bates to the audio content selection of Bais and Ibanez in order to allow the end user or terminal select the portion of the audio which they wish to hear.

8. Claims 52-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bais (U.S.

Patent Publication No.: US2003/0210682) in view of Ibanez (US Patent Pub. No.:

US2003/0026230) further in view of Wachtfogel (Patent Pub No.: US2007/0067800)

Referring to claim 52, the combination of Bais and Ibanez teach: the computer program product of of claim 51 and the media delivery interface module

The combination Bais and Ibanez do not expressly call for: providing advertising content to the end-user

Wachtfogel teaches: providing advertising content to the end-user (end user receives parameters associated with quality of material Para 96 to Para 104 per pg 7 (advertising content)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the advertising content to the end-user of Wachtfogel to the system of the combination Bais and Ibanez in order to build a system in which the end user knows what to expect in terms of the quality.

Referring to claim 53, the combination of Bias Ibanez and Wachtfogel teach: the the computer program product of claim 52,

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Bais and Ibanez do not expressly call for: wherein the step of providing advertising content to the end-user comprises at least one of:

providing advertising content by class of service
providing advertising content based on selected audio content;
providing advertising content before and/or after providing selected audio content; and
providing advertising content based on a timed advertising interval

Wachtfogel teaches: providing advertising content by class of service (end user receives parameters associated with quality of material which relate to bit rate etc per Para 96 to Para 104 per pg 7 (class of service))

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the content by class of service of Wachtfogel to the system of Bais, Ibanez and Wachtfogel in order to build a system in which the end user knows what to expect in terms of the quality.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Wilson whose telephone number is 571/272-3075.

The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D. VU can be reached on 571/272-73155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Robert W Wilson

Examiner

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RWW

3/28/07